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Treasury Board of Canada Secretariat
Secrétariat du Conseil du Trésor du Canada

Ottawa, Canada
K1A 0R5

May 26, 2025

58923557

For Decision

MEMORANDUM TO THE PRESIDENT
OF THE TREASURY BOARD

2025 REVIEW OF THE *ACCESS TO INFORMATION ACT*

SUMMARY

This memorandum seeks your approval of the recommended approach to, and scope of, the 2025 review of the *Access to Information Act*. It also directs that the Treasury Board Secretariat initiate the public-facing phase of the review in early June 2025. The President of the Treasury Board, as designated Minister under the *Access to Information Act*, is responsible for leading the mandatory review of the Act every five years and tabling a report to Parliament on the review. The next mandated review must be initiated by June 20, 2025.

TIME FRAME

[redacted] This will enable initiation of the public-facing phase of the review in early June 2025, before the legislated deadline.

Background

As the President of the Treasury Board, you are the Minister responsible for overseeing the general administration of the *Access to Information Act* (ATIA) and upholding its principles across more than 250 Government of Canada institutions.

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Purpose of the *Access to Information Act*

The purpose of the ATIA is to enhance the accountability and transparency of federal institutions in order to promote an open and democratic society and enable public debate on the conduct of those institutions. Part 1 of the ATIA requires federal government institutions to provide individuals with access to records held by the institution upon request, subject to specific exemptions and exclusions contained in the Act. Part 2 requires that government institutions proactively publish certain types of records in a systematic manner (e.g., travel and hospitality expenses, contracts over $10K, grants and contributions over $25K, briefing materials prepared for Ministers and deputy heads).

Mandatory review

Under section 93 of the ATIA, you are responsible for leading a mandatory review of the Act every five years and tabling a report to Parliament on the review. The next mandated review must be initiated by June 20, 2025.

Internal policy work on the review, and early engagement with federal institutions and Indigenous partners, has been underway since fall 2024; however, the public-facing phase of the review has yet to be initiated. The Treasury Board Secretariat (TBS) intends to formally initiate the public-facing phase of the review before the legislated deadline. The review will support government commitments for greater transparency and accountability.

Considerations

Drivers for reform

The ATIA was last updated in 2019 through Bill C-58, *An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts.*

Bill C-58 reforms were criticized for not going far enough. Moreover, no legislative reforms were brought forward in the 2020 review, the first conducted under section 93 of the ATIA, as the 2019 changes had just been implemented.

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Since then, media coverage and commentary from members of civil society has been focused on challenges with the ATIA and the need for further legislative reform. The Information Commissioner of Canada (the Commissioner) has also publicly advocated for change, most recently in a May 13, 2025, letter to the Prime Minister that pointed to the importance of the 2025 review to address longstanding challenges. The Commissioner also called for the adoption of a "transparency-by-default ethos and approach to governance". The Standing Committee on Access to Information, Privacy and Ethics has studied the effectiveness of the Access to Information regime on multiple occasions, most recently in 2023, when it provided several recommendations for the government's consideration.

The 2025 review will also advance the ongoing implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA), which is based on the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration). The UN Declaration provides a framework for reconciliation, healing and peace, as well as harmonious and cooperative relations based on the principles of justice, democracy, respect for human rights, non-discrimination and good faith. UNDA creates a lasting and action-oriented framework to advance Canada's implementation of the UN Declaration.

Section 5 of UNDA mandates that the Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the UN Declaration. Moreover, in the Department of Justice's (DoJ) "What We Learned Report on the Implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*", published in March 2023, Indigenous partners identified ATIA reform as a priority.

Scope of the 2025 review of the ATIA

The government has received significant feedback on strengthening the ATIA over the last decade from parliamentary committees, the Commissioner, civil society, media, academia, and Indigenous partners. Based on analysis of this feedback, TBS plans to examine the following areas of focus: enhancing

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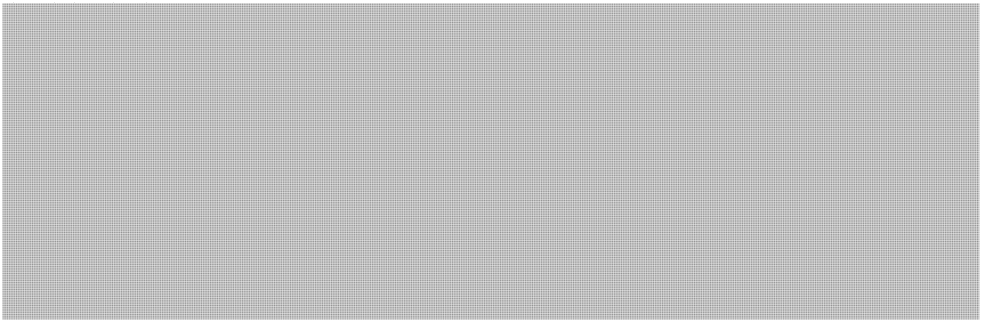
transparency, accountability, and public participation; facilitating access; declassification and disclosure of historical records; information management; Indigenous access to, and protection of, information; and oversight and compliance.

Early engagement with Indigenous partners

TBS initiated early engagement on the review with Indigenous partners in May 2024. Follow-up correspondence was sent to over 180 Indigenous partners in October 2024, setting out the areas of focus related to Indigenous access to, and protection of, information, as well as potential approaches to reform; this correspondence also invited initial feedback. As of May 9, 2025, TBS has heard from 33 Indigenous partners, received 16 written responses, and conducted 13 follow-up meetings.



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[redacted]

[redacted]

Risks

Although the review is effectively already underway, [redacted]

[redacted]

[redacted]

[redacted]

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[redacted]

Communications considerations

The performance of the Access to Information regime generates regular attention from media, stakeholders, and Indigenous partners. As a result, the 2025 review is likely to cause significant public and media interest. [redacted]

[redacted]

Recommendation

It is recommended that you approve the approach to, and scope of, the 2025 review of the ATIA, and that TBS initiate the public-facing phase of the review in early June 2025. The proposed next steps are outlined in Tab 1. We would be pleased to brief you on this topic at your convenience.

Rochon, Dominic
Digitally signed by Rochon, Dominic
Date: 2025.05.26 10:29:10 -04'00'

Dominic Rochon
Chief Information Officer

Bill Matthews
Secretary of the Treasury Board

☒ I approve.

Shafqat Ali

☐ I do not approve.

JUN 19 2025
Date

Stephen Burt, Assistant Secretary, Data and Digital Policy Sector, and Chief Data Officer of Canada (613-291-4719)

Attachment:

Tab 1: Next Steps – 2025 Review of the *Access to Information Act*

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Tab 1

Next Steps – 2025 Review of the *Access to Information Act*

Timing	Deliverables
Early June 2025 (before the June 20 legislated deadline)	• Initiate the public-facing phase of the 2025 review of the *Access to Information Act* (ATIA) a review landing page on Canada.ca that highlights previous work informing the review (i.e., President of the Treasury Board's Report to Parliament [2022] / ETHI Report [2023] / Information Commissioner's recommendations for reform [2015 and 2022]).